Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Deregulation/Privatization of	)	CC Docket No. 99-216
Equipment Registration and	)	DA 99-1108
Telephone Network Connection Rules	)	
(47 C.F.R. Part 68)	)	

COMMENTS OF NORTEL NETWORKS INC.

Nortel Networks Inc. ("Nortel Networks") offers the following comments in response to the questions contained in DA 99-1108 (CC Docket No. 99-216) concerning the Deregulation/Privatization of Equipment Registration and Telephone Network Connection Rules (C.F.R. Part 68).

I Relevance of the Rules, Part 68

Nortel Networks believes that the Part 68 rules are necessary and relevant to the purpose of defining requirements for attaching terminal equipment to the Public Switched Telephone Network ("PSTN") particularly since twisted copper pairs remain in use as a means of connecting customers.

The primary purpose of the rules has always been, and should continue to be, to protect the network (PSTN) from harm. Furthermore, a minimal set of rules as a national requirement would provide federal preemption and prevent situations where different state regulators could impose differing requirements relating to telecom equipment attachments resulting in unnecessary expense for manufacturers and operators.

Choice of technology and product performance should be left to the marketplace (i.e. consumer demand) and the Commission's rules must be flexible enough to address the needs of a changing environment. However, Nortel Networks believes that there is clearly a need for regulation to avoid crosstalk and power issues that could harm the network or degrade its performance.

Part 68 should not be eliminated, but maintained and changed, as the changing environment and technology requires. We believe reliance on the marketplace for network integrity requirements in lieu of Part 68 is not a viable alternative.

II Rule Changes

There is considerable concern in the industry about the excessive amount of time that is required to implement even simple changes in the Part 68 rules. In addition, requests for waivers from the rules and even applications for registration require an excessive amount of time.

The present rules can be divided into two distinct areas: those concerned with the technical requirements and their related definitions (Sub-parts B, D, and F), and those concerned with the administrative requirements and procedures (Sub-parts C and E, along with related procedures found in Part 2).

A Technical Requirements (Sub-parts B, D and F)

The current version of Part 68 is, to some degree, the result of a joint U.S./Canada effort to harmonize their network protection technical requirements. During the harmonization process, a number of obsolete requirements were removed or updated (e.g. AIOD - Automatic Identified Outward Dialing requirements, ringer types that are no longer in use, environmental simulation, etc.). Thus, the current version of Part 68 has already gone through a technical streamlining process within the past 5 years. Further harmonization of the technical rules outside of the U.S. and Canada does not seem feasible for the foreseeable future.

Concerning requirements that could be eliminated from the current rules, we would question the ongoing need for the requirements for encoded analog content power limits in Section 68.308. The domestic multi-channel analog carrier systems, which the encoded analog content power requirements were intended to protect, have been almost completely replaced by digital inter-exchange transmission systems.

B Administrative Procedures (Sub-parts C and E)

It is imperative that the Administrative Requirements and procedures be simplified and streamlined. Two major areas, the waiver process and the registration process, need to be addressed.

The Waiver Process

The waiver process enables the Commission to waive the rules to allow the introduction of new products that the Commission believes will not cause harm to the network and that otherwise would conflict with the technical requirements contained in the rules.[1] Although the process is simple, the length of time that the commission takes to respond to a request for a waiver is excessive and varies considerably, thus making it difficult for a manufacturer to introduce new and innovative products in a timely manner.

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[1] 47 C.F.R. §1.3 The Commission may waive any of its rules if good cause for a waiver is shown.

Some waiver requests have become "standardized." Customer premises equipment with Stutter Dial Tone detection capabilities has become common place and is normally approved by the issue of a waiver where the petitioners have certified that their devices will conform to the eight conditions specified in the *Alameda Order.*[2] The time required to process these waiver requests varies from a few weeks to several months. This is an example of one such feature that should have long since been incorporated into the rules in order to minimize the amount of effort and time required by manufacturers prior to bringing a product to market.

Furthermore, requests for waivers to the rules for new and innovative technologies, even when backed up by sound technical reasoning, may take an inordinate amount of time to be resolved. Nortel Networks has two waiver requests on file with the FCC. The first was filed on October 30, 1998, the second on December 9, 1998 and both are still waiting for an FCC decision.[3] We understand the use of caution in dealing with new technologies. However, long delays in approval or denial of a waiver request leaves manufacturers in a state of uncertainty for an unreasonable amount of time. The industry needs very much to see improvements in these time frames.

The Registration Process

The registration process itself has become cumbersome and time-consuming. It has been Nortel Networks' experience that the present Part 68 registration process varies from 2 weeks to over 6 weeks with a small percentage exceeding that time. It is very desirable that this time be reduced considerably. Part 68 registration is a high-volume activity, especially for larger companies such as Nortel Networks that may make up to 100 applications for registration per year for various products. Response time is considered to be excessive and can cause difficulties for manufacturers as they try to manage their product introduction activities.

III A New Paradigm in the Private Sector

Nortel Networks proposes two changes that could overcome the delays in the current Part 68 process.

A Use of Standard Development Organizations

The time to accommodate new technologies in the rules can be considerably reduced or even eliminated by allowing Standard Development Organizations ("SDOs") such as TIA and T1 to become responsible for both the maintenance of the existing requirements and the addition of new requirements relating to new technology.

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[2] Part 68 Waiver Request of Alameda Engineering, Inc. Order 10 FCC Rcd 12135 (Com. Car. Bur.) ("*Alameda Order*")

[3] Petition for Waiver of the Signal Power Limitations in Section 68.308(e)(1) of the Commission's Rules for 1-Meg Modem, NSD-L-98-135; DA 98-2503; Petition for Waiver of the Signal Power Limitations in Section 68.308(e)(1) of the Commission's Rules for the Elite Modem, NSD-L-98-144; DA 98-2639

More specifically, a joint Working Group consisting of members of T1 and TIA could be tasked with the ongoing maintenance of an industry standard that would contain the technical requirements that are now in Part 68. Such a standard (let's describe it as the 'Network Harm Standard') does not presently exist and the proposed Working Group could generate it based on the current Part 68 technical requirements. The FCC could refer to this Network Harm Standard in the Code of Federal Regulations ("CFR") and would require that equipment within the scope of the existing Part 68 comply with this standard. The main difference from the present procedure would be that industry would assume the responsibility for changes and additions to the Network Harm Standard. There is a precedent for such an approach in that the Commission has integrated an EIA standard (RS 504 - Magnetic Field Intensity Criteria for Telephone Compatibility with Hearing Aids), which was produced by industry experts, into Section 68.316 – Hearing Aid Compatibility: Technical Standards.

This approach, when fully implemented, could eliminate the need for a waiver process since industry would become totally responsible for the updating of the technical requirements. It would free valuable FCC resources from examining complex technical issues that should be debated by the appropriate industry experts.

T1 and TIA are both ANSI-accredited bodies and they therefore meet necessary requirements relating to fairness, open meetings, and democratic decision processes. This approach would also be consistent with the expressed FCC desire to rely on industry standards and consensus.

B The Use of Suppliers Declaration of Conformity

The second change that Nortel Networks favors is to allow a Suppliers Declaration of Conformity ("SDoC") methodology. This approach has already been adopted in certain countries, such as Australia, and will be adopted by all the members of the European Union in April 2000. This concept is presently used by the FCC's Office of Engineering and Technology ("OET") for computing devices subject to the Part 15, Sub-part B, Class B, by allowing a Declaration of Conformity ("DoC") rather than requiring a certification process. This DoC methodology has significantly reduced the delays inherent to the Part 15 certification process. The SDoC methodology would significantly reduce the delays inherent to the Part 68 registration process, and in addition, would free valuable FCC resources that are presently being used to review applications for registration.

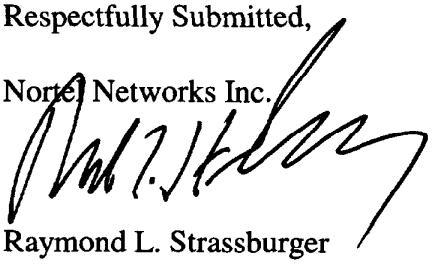
Nortel Networks is working with the TIA in the preparation of a petition for rulemaking that will clearly list all the reasons and highlight the benefits for allowing an SDoC methodology for equipment subject to Part 68 of the FCC rules.

IV Additional Thoughts on Laboratory Accreditation

The present requirement for a laboratory that tests products for compliance to Part 68 is to provide the FCC a copy of its test procedure, a list of test equipment, and photographs. There is no verification of competency of the test personnel or of the adequacy of laboratory facilities. It is anticipated that as the United States continues to work with European Community and the Asia/Pacific communities regarding Mutual Recognition Agreements ("MRAs"), the testing laboratories will require accreditation by the National Laboratory (NIST) for compliance with ISO Guide 25. However, the accreditation of foreign-based laboratories should not necessarily be restricted to national accreditation bodies within their own countries. For instance, laboratories in Canada may choose to use NVLAP or NAMAS (UK) instead of the SCC in Canada, if they happen to already hold accreditation with those agencies, to avoid the need to spend yet more money for another agency to audit. In Europe any accreditation agency throughout any of the EU countries may be chosen. It is the position of Nortel Networks that the FCC should begin requiring all test laboratories, including both independent and manufacturer laboratories, to be accredited by an appropriate accreditation body such as NIST/NVLAP, or equivalent.

Respectfully Submitted,

Nortel Networks Inc.



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